

Senate Bill No. 184

Passed the Senate August 22, 2013

Secretary of the Senate

Passed the Assembly August 19, 2013

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 11010.4 of the Business and Professions Code, to amend Sections 12419.8, 12419.10, 27201, 41802, 41803, 41805, 50281, 53243.4, 53395.1, 53395.2, 53395.10, 53395.13, 53395.14, 53395.17, 53395.85, 53396, 66428, 66442.5, and 66449 of the Government Code, to amend Section 9002 of the Health and Safety Code, to amend Section 32556 of, and to repeal Sections 9973, 9974, 9975, 9976, 9977, and 9978 of, the Public Resources Code, to amend Section 36622 of the Streets and Highways Code, and to amend Sections 3.1, 23, and 29 of, and to repeal Section 24 of, the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951), relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 184, Committee on Governance and Finance. Local government: omnibus bill.

(1) Existing law requires any person who intends to offer subdivided lands within this state for sale or lease to file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire, as specified. Existing law exempts from this requirement a proposed offering of subdivided land where each lot, parcel, or unit of the subdivision will be sold or offered for sale improved with a completed residential structure and with all other improvements completed that are necessary for occupancy or with financial arrangements determined to be adequate by the city to ensure completion of the improvements.

This bill would specify that a lot, parcel, or unit satisfies the requirement that it be improved with a completed residential structure if it is improved with a completed residential structure at the time it is conveyed by the subdivider.

(2) Existing law, the Public Cemetery District Law, defines the term “family member” for purposes of that law to include, among others, a person’s spouse.

This bill would additionally include within the definition of “family member” a person’s domestic partner, and would define the term “domestic partner,” as specified.

(3) Existing law requires specified employment contracts between a local agency and an officer or employee to include a provision that would fully reimburse the local agency for that officer's or employee's salary if that officer or employee is convicted of a crime involving an abuse of his or her office or position. Existing law, for purposes of these provisions, defines the term "abuse of office or position" to include, among other things, a crime against public justice, including bribery of an executive or judicial officer of the state.

This bill would revise the definition of "abuse of office or position" to include bribery of a Member of the Legislature.

(4) Existing law, the Subdivision Map Act, requires the city engineer or county surveyor, as appropriate, to sign an approved final or parcel map and indicate his or her registration number and stamp the map with his or her seal.

This bill would additionally require the city engineer or county surveyor to provide that date on which he or she signed the final or parcel map, and to include his or her seal.

(5) Existing law, the Subdivision Map Act, provides that for any conveyance of land to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a local public utility for conveyance to that public utility for rights-of-way, rights-of-way may not be considered a division of land for purposes of computing parcels.

This bill would instead provide that a parcel map is not required for land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a local public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map.

(6) Existing law, the Baldwin Hills Conservancy Act, requires the board of the Baldwin Hills Conservancy to consist of 13 voting members, including, among others, the member of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located.

This bill would instead require one of the 13 voting members to include the member of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located, or his or her designee.

(7) Existing law allows the Controller, either in his or her discretion or upon local request, to offset or deduct certain amounts due from a person or entity to a city, county, or court against certain state claims. Existing law also requires the Controller, to the extent feasible, to offset any amount overdue and unpaid for a fine, penalty, assessment, bail, vehicle parking penalty, or court-ordered reimbursement for court-related services, against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law, or from winnings in the California State Lottery.

This bill would expand these provisions to apply to amounts due to special districts, in addition to amounts due to cities, counties, and courts.

(8) Existing law requires the county recorder, upon payment of proper fees and taxes, to accept for recordation any instrument, paper, or notice that is authorized or required to be recorded, as specified. Existing law requires the recorder to accept a facsimile signature on a lien recorded by a governmental agency when that facsimile signature has been officially adopted by that agency, and requires a copy of the agency's resolution or action adopting the signature for facsimile transmission purposes or a certified copy of the agency's adopted signature to be provided to the county recorder when the signature is officially adopted by the agency, or at the beginning of each calendar year.

This bill would instead require the agency to provide the officially adopted facsimile signature by letter, and would provide that the facsimile signature will continue to be valid until the agency notifies the county recorder that the facsimile signature has been revoked.

(9) Existing law authorizes the owner of a qualified historical property and the legislative body of a city, county, or city and county to contract to enforceably restrict the use of the property in exchange for a reduction in the property tax assessment on the property. Existing law requires the owner or agent of an owner to record the contract with the county in which the property is located within 6 months of entering into the contract.

This bill would repeal the requirement that the owner or agent of the owner record the contract with the county in which the property is located within 6 months of entering into the contract.

(10) Existing law requires the Ventura County Resource Conservation District to meet specified criteria, including criteria related to its subdivisions, boundaries, elections, and board of directors.

This bill would remove these provisions.

(11) The Property and Business Improvement District Law of 1994 requires, prior to the establishment of a property and business improvement district pursuant to the act, that the proponents of the district submit to the city council a management district plan. A management district plan may provide that a class or category of real property which is exempt by law from real property taxation may nevertheless be included within the boundaries of the district but shall not be subject to assessment on real property.

This bill would remove this provision.

(12) The Kings River Conservation District Act establishes the Kings River Conservation District, and sets forth the requirements for the election of members of the board of directors. Existing law requires the district to be split into electoral divisions for the election of members of the board of directors.

This bill would require that in an election, the candidate receiving the highest number of votes cast for the office of director for a specific division be declared elected.

Existing law requires all vacancies occurring in the office of director to be filled by appointment by the remaining directors, as specified.

This bill would instead require the district to fill vacancies in the board in the same manner as those vacancies on the governing board of a special district are filled.

Existing law authorizes the district to incur bonded indebtedness, and requires the district to hold a special election on the question prior to incurring indebtedness. Existing law sets forth the procedures for conducting that election.

This bill would require the district to instead comply with the Irrigation District Law in issuing bonds.

(13) This bill would also make technical, nonsubstantive, and conforming changes to provisions relating to local government.

The people of the State of California do enact as follows:

SECTION 1. (a) This act shall be known, and may be cited, as the Local Government Omnibus Act of 2013.

(b) The Legislature finds and declares that Californians want their governments to be run efficiently and economically and that public officials should avoid waste and duplication whenever possible. The Legislature further finds and declares that it desires to control its own costs by reducing the number of separate bills. Therefore, it is the intent of the Legislature in enacting this act to combine several minor, noncontroversial statutory changes relating to the common theme, purpose, and subject of local government into a single measure.

SEC. 1.5. Section 11010.4 of the Business and Professions Code is amended to read:

11010.4. The notice of intention specified in Section 11010 is not required for a proposed offering of subdivided land that satisfies all of the following criteria:

(a) The owner, subdivider, or agent has complied with Sections 11013.1, 11013.2, and 11013.4, if applicable.

(b) The subdivided land is not a subdivision as defined in Section 11000.1 or 11004.5.

(c) Each lot, parcel or unit of the subdivision is located entirely within the boundaries of a city.

(d) Each lot, parcel, or unit of the subdivision will be sold or offered for sale improved with a completed residential structure and with all other improvements completed that are necessary to occupancy or with financial arrangements determined to be adequate by the city to ensure completion of the improvements. A lot, parcel, or unit shall satisfy the requirement that it be improved with a completed residential structure if it is improved with a completed residential structure at the time it is conveyed by the subdivider.

SEC. 2. Section 12419.8 of the Government Code is amended to read:

12419.8. (a) The Controller may, in his or her discretion, offset any amount due a city, county, or special district from a person or entity pursuant to paragraph (1), (2), or (4) of subdivision (c), and shall, at the request of the city, county, or special district, offset any amount due a city, county, or special district from a person or

entity pursuant to paragraph (3) of subdivision (c), against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law, a claim for refund from the State Board of Equalization under the Sales and Use Tax Law, from winnings in the California State Lottery, or a claim filed by the owner, as described in subdivision (d) of Section 1540 of the Code of Civil Procedure, for payment of money from unclaimed property held by the state. Standards and procedures for submission of requests for offsets shall be as prescribed by the Controller. Whenever insufficient funds are available to satisfy an offset request, the Controller, after first applying the amounts available to any amount due a state agency, may allocate the balance among any other requests for offset.

(b) The Controller shall deduct and retain from any amount offset in favor of a city, county, or special district an amount sufficient to reimburse the Controller, the Franchise Tax Board, the State Board of Equalization, or the California State Lottery for their administrative costs of processing the offset payment.

(c) This section shall apply only to any of the following situations:

- (1) Where the amount has been reduced to a judgment.
- (2) Where the amount is contained in an order of a court.
- (3) Where the amount is from a bench warrant for payment of any fine, penalty, or assessment.
- (4) Where the amount is delinquent unsecured property taxes on which a certificate lien has been filed for record in the office of the county recorder pursuant to Section 2191.3 of the Revenue and Taxation Code.

(d) For purposes of paragraph (4) of subdivision (c):

- (1) Upon the tax collector's request for taxpayer identification numbers required by the Controller's procedures, the tax collector shall immediately notify the appropriate assessee, by registered or certified mail, that the request has been made for the purpose of intercepting refunds from the state government due the taxpayer, in order to offset the delinquent property tax obligation. The letter shall state that if the assessee does not pay the outstanding tax amount to the tax collector within 20 days, the required taxpayer identification number will be so provided.

(2) The tax collector shall not be named in any action that may be brought as a result of compliance with this subdivision.

SEC. 3. Section 12419.10 of the Government Code is amended to read:

12419.10. (a) (1) The Controller shall, to the extent feasible, offset any amount overdue and unpaid for a fine, penalty, assessment, bail, vehicle parking penalty, or court-ordered reimbursement for court-related services, from a person or entity, against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law, from winnings in the California State Lottery, or a cash payment of a claim for unclaimed property held by the state. Standards and procedures for submission of requests for offsets shall be as prescribed by the Controller. Neither the Controller nor the Franchise Tax Board shall condition a request for offset on the submission of a person's social security number. If sufficient funds are not available to satisfy an offset request, the Controller, after first applying the amounts available to any amount due a state agency, may allocate the balance among any other requests for offset.

(2) Any request for an offset for a vehicle parking penalty shall be submitted within three years of the date the penalty was incurred. This three year maximum term for refund offsets for parking tickets applies to requests submitted to the Controller on or after January 1, 2004.

(b) Once an offset request for a vehicle parking penalty is made, a local agency may not accrue additional interest charges, collection charges, penalties, or other charges on or after the date that the offset request is made. Payment of an offset request for a vehicle parking penalty shall be made on the condition that it constitutes full and final payment of that offset.

(c) The Controller shall deduct and retain from any amount offset in favor of a city, county, city and county, court, or special district an amount sufficient to reimburse the Controller, the Franchise Tax Board, the California State Lottery, and the Department of Motor Vehicles for their administrative costs of processing the offset payment.

(d) If necessary to confirm the identity of a person before making an offset, the Franchise Tax Board may, upon paying any

necessary fees, obtain a social security number from the Department of Motor Vehicles, as authorized by subdivision (f) of Section 1653.5 of the Vehicle Code.

(e) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1, or any other law, the social security number of a person obtained pursuant to Section 4150, 4150.2, or 12800 of the Vehicle Code is not a public record and shall only be provided by the Department of Motor Vehicles to an authorized agency for the sole purpose of making an offset pursuant to this section for an unpaid vehicle parking penalty or an unpaid fine, penalty, assessment, or bail of which the Department of Motor Vehicles has been notified pursuant to subdivision (a) of Section 40509 of the Vehicle Code or Section 1803 of the Vehicle Code, responding to information requests from the Franchise Tax Board for the purpose of tax administration, and responding to requests for information from an agency, operating pursuant to and carrying out the provisions of Part A (Block Grants to States for Temporary Assistance for Needy Families), or Part D (Child Support and Establishment of Paternity) of Subchapter IV of Chapter 7 of Title 42 of the United States Code. As used in this section, “authorized agency” means the Controller, the Franchise Tax Board, or the California State Lottery Commission.

SEC. 3.5. Section 27201 of the Government Code is amended to read:

27201. (a) The recorder shall, upon payment of proper fees and taxes, accept for recordation any instrument, paper, or notice that is authorized or required by statute, or court order to be recorded, or authorized or required to be recorded by a local ordinance that relates to the recordation of any instrument, paper, or notice that relates to real property, if the instrument, paper, or notice contains sufficient information to be indexed as provided by statute, meets recording requirements of state statutes and local ordinances, and is photographically reproducible. The county recorder shall not refuse to record any instrument, paper, or notice that is authorized or required by statute, court order, or local ordinance that relates to the recordation of any instrument, paper, or notice that relates to real property to be recorded on the basis of its lack of legal sufficiency.

“Photographically reproducible,” for purposes of this division, means all instruments, papers, or notices that comply with

standards as recommended by the American National Standards Institute or the Association for Information and Image Management for recording of records.

(b) (1) Each instrument, paper, or notice shall contain an original signature or signatures, except as otherwise provided by law, or be a certified copy of the original.

(2) A facsimile signature shall be accepted on a lien recorded by a governmental agency when that facsimile signature has been officially adopted by that agency. The lien shall have noted on its face a statement to that effect. The officially adopted facsimile signature shall be provided to the county recorder by a letter from the agency. A facsimile signature shall continue to be valid until the agency notifies the county recorder that the facsimile signature has been revoked.

SEC. 4. Section 41802 of the Government Code is amended to read:

41802. The city attorney shall frame an ordinance or resolution required by the legislative body.

SEC. 5. Section 41803 of the Government Code is amended to read:

41803. The city attorney shall perform other legal services required from time to time by the legislative body.

SEC. 6. Section 41805 of the Government Code is amended to read:

41805. (a) A city attorney who does not, in fact, exercise prosecutorial responsibilities on behalf of the city or cities by which he or she is employed shall not be precluded from defending or assisting in the defense of, or acting as counsel for, any person accused of any crime except for violation of any ordinance of the city or cities by which he or she is employed, provided that:

(1) The city or cities by which the city attorney is employed expressly relieve the city attorney of any and all prosecutorial responsibilities on its or their behalf; and

(2) The accused has been informed of and expressly waives any rights created as a result of any potential conflict created by his or her attorney's position as a city attorney.

(b) Where the above provisions are met, partner or associate of a city attorney shall not be prevented from defending or assisting in the defense of, or acting as counsel for, any person accused of any crime except for violations of any ordinance of the city or

cities by which his or her partner or associate is employed as a city attorney.

This section shall not preclude any city from limiting or prohibiting the private practice of any attorney it retains or employs.

SEC. 6.5. Section 50281 of the Government Code is amended to read:

50281. Any contract entered into under this article shall contain the following provisions:

(a) The term of the contract shall be for a minimum period of 10 years.

(b) Where applicable, the contract shall provide the following:

(1) For the preservation of the qualified historical property and, when necessary, to restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.

(2) For an inspection of the interior and exterior of the premises by the city, county, or city and county, prior to a new agreement, and every five years thereafter, to determine the owner's compliance with the contract.

(3) For it to be binding upon, and inure to the benefit of, all successors in interest of the owner. A successor in interest shall have the same rights and obligations under the contract as the original owner who entered into the contract.

SEC. 7. Section 53243.4 of the Government Code is amended to read:

53243.4. For purposes of this article, "abuse of office or position" means either of the following:

(a) An abuse of public authority, including, but not limited to, waste, fraud, and violation of the law under color of authority.

(b) A crime against public justice, including, but not limited to, a crime described in Title 5 (commencing with Section 67), Title 6 (commencing with Section 85), or Title 7 (commencing with Section 92) of Part 1 of the Penal Code.

SEC. 8. Section 53395.1 of the Government Code is amended to read:

53395.1. Unless the context otherwise requires, the definitions contained in this article shall govern the construction of this chapter.

(a) “Affected taxing entity” means any governmental taxing agency which levied or had levied on its behalf a property tax on all or a portion of the property located in the proposed district in the fiscal year prior to the designation of the district, but not including any county office of education, school district, or community college district.

(b) “City” means a city or a city and county.

(c) “Debt” means any binding obligation to repay a sum of money, including obligations in the form of bonds, certificates of participation, long-term leases, loans from government agencies, or loans from banks, other financial institutions, private businesses, or individuals.

(d) “Designated official” means the city or county engineer or other appropriate official designated pursuant to Section 53395.13.

(e) (1) “District” means an infrastructure financing district.

(2) An infrastructure financing district is a “district” within the meaning of Section 1 of Article XIII A of the California Constitution.

(f) “Infrastructure financing district” means a legally constituted governmental entity established pursuant to this chapter for the sole purpose of financing public facilities.

(g) “Landowner” or “owner of land” means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of the land by the legislative body. The legislative body has no obligation to obtain other information as to the ownership of land, and its determination of ownership shall be final and conclusive for the purposes of this chapter. A public agency is not a landowner or owner of land for purposes of this chapter, unless the public agency owns all of the land to be included within the proposed district.

(h) “Legislative body” means the city council or board of supervisors.

SEC. 9. Section 53395.2 of the Government Code is amended to read:

53395.2. (a) The revenues available pursuant to Article 3 (commencing with Section 53396) may be used directly for work allowed pursuant to Section 53395.3, may be accumulated for a

period not to exceed five years to provide a fund for that work, may be pledged to pay the principal of, and interest on, bonds issued pursuant to Article 4 (commencing with Section 53397.1), or may be pledged to pay the principal of, and interest on, bonds issued pursuant to the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code) or the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311)), the proceeds of which have been or will be used entirely for allowable purposes of the district. The revenue of the district may also be advanced for allowable purposes of the district to an Integrated Financing District established pursuant to Chapter 1.5 (commencing with Section 53175), in which case the district may be party to a reimbursement agreement established pursuant to that chapter. The revenues of the district may also be committed to paying for any completed public facility acquired pursuant to Section 53395.3 over a period of time, including the payment of a rate of interest not to exceed the bond buyer index rate on the day that the agreement to repay is entered into by the city or county.

(b) The legislative body may enter into an agreement with any affected taxing entity providing for the construction of, or assistance in, financing public facilities.

SEC. 10. Section 53395.10 of the Government Code is amended to read:

53395.10. A legislative body of a city or county may designate one or more proposed infrastructure financing districts pursuant to this chapter. Proceedings for the establishment of a district shall be instituted by the adoption of a resolution of intention to establish the proposed district and shall do all of the following:

(a) State that an infrastructure financing district is proposed to be established under the terms of this chapter and describe the boundaries of the proposed district, which may be accomplished by reference to a map on file in the office of the clerk of the city.

(b) State the type of public facilities proposed to be financed by the district. The district may only finance public facilities authorized by Section 53395.3.

(c) State that incremental property tax revenue from the city or county and some or all affected taxing entities within the district may be used to finance these public facilities.

(d) Fix a time and place for a public hearing on the proposal.

SEC. 11. Section 53395.13 of the Government Code is amended to read:

53395.13. After adopting the resolution pursuant to Section 53395.10, the legislative body shall designate and direct the city or county engineer or other appropriate official to prepare an infrastructure plan pursuant to Section 53395.14.

SEC. 12. Section 53395.14 of the Government Code is amended to read:

53395.14. After receipt of a copy of the resolution of intention to establish a district, the official designated pursuant to Section 53395.13 shall prepare a proposed infrastructure financing plan. The infrastructure financing plan shall be consistent with the general plan of the city or county within which the district is located and shall include all of the following:

(a) A map and legal description of the proposed district, which may include all or a portion of the district designated by the legislative body in its resolution of intention.

(b) A description of the public facilities required to serve the development proposed in the area of the district including those to be provided by the private sector, those to be provided by governmental entities without assistance under this chapter, those public improvements and facilities to be financed with assistance from the proposed district, and those to be provided jointly. The description shall include the proposed location, timing, and costs of the public improvements and facilities.

(c) A finding that the public facilities are of communitywide significance and provide significant benefits to an area larger than the area of the district.

(d) A financing section, which shall contain all of the following information:

(1) A specification of the maximum portion of the incremental tax revenue of the city or county and of each affected taxing entity proposed to be committed to the district for each year during which the district will receive incremental tax revenue. The portion need not be the same for all affected taxing entities. The portion may change over time.

(2) A projection of the amount of tax revenues expected to be received by the district in each year during which the district will receive tax revenues, including an estimate of the amount of tax revenues attributable to each affected taxing entity for each year.

(3) A plan for financing the public facilities to be assisted by the district, including a detailed description of any intention to incur debt.

(4) A limit on the total number of dollars of taxes which may be allocated to the district pursuant to the plan.

(5) A date on which the district will cease to exist, by which time all tax allocation to the district will end. The date shall not be more than 30 years from the date on which the ordinance forming the district is adopted pursuant to Section 53395.23.

(6) An analysis of the costs to the city or county of providing facilities and services to the area of the district while the area is being developed and after the area is developed. The plan shall also include an analysis of the tax, fee, charge, and other revenues expected to be received by the city or county as a result of expected development in the area of the district.

(7) An analysis of the projected fiscal impact of the district and the associated development upon each affected taxing entity.

(8) A plan for financing any potential costs that may be incurred by reimbursing a developer of a project that is both located entirely within the boundaries of that district and qualifies for the Transit Priority Project Program, pursuant to Section 65470, including any permit and affordable housing expenses related to the project.

(e) If any dwelling units occupied by persons or families of low or moderate income are proposed to be removed or destroyed in the course of private development or public works construction within the area of the district, a plan providing for replacement of those units and relocation of those persons or families consistent with the requirements of Section 53395.5.

SEC. 13. Section 53395.17 of the Government Code is amended to read:

53395.17. The legislative body shall conduct a public hearing prior to adopting the proposed infrastructure financing plan. The public hearing shall be called no sooner than 60 days after the plan has been sent to each affected taxing entity. In addition to the notice given to landowners and affected taxing entities pursuant to Sections 53395.11 and 53395.12, notice of the public hearing shall be given by publication not less than once a week for four successive weeks in a newspaper of general circulation published in the city or county in which the proposed district is located. The notice shall state that the district will be used to finance public

works, briefly describe the public works, briefly describe the proposed financial arrangements, including the proposed commitment of incremental tax revenue, describe the boundaries of the proposed district and state the day, hour, and place when and where any persons having any objections to the proposed infrastructure financing plan, or the regularity of any of the prior proceedings, may appear before the legislative body and object to the adoption of the proposed plan by the legislative body.

SEC. 14. Section 53395.85 of the Government Code is amended to read:

53395.85. If a city or county that is a member of the Orangeline Development Authority establishes an infrastructure financing district pursuant to this chapter for the purpose of providing funding for public transit facilities, that city or county may provide some or all of this funding to the Orangeline Development Authority for the purposes of furthering public transit facilities within the jurisdiction of the authority, including facilities related to magnetic levitation.

SEC. 15. Section 53396 of the Government Code is amended to read:

53396. Any infrastructure financing plan may contain a provision that taxes, if any, levied upon taxable property in the area included within the infrastructure financing district each year by or for the benefit of the State of California, or any affected taxing entity after the effective date of the ordinance adopted pursuant to Section 53395.23 to create the district, shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the affected taxing entities upon the total sum of the assessed value of the taxable property in the district as shown upon the assessment roll used in connection with the taxation of the property by the affected taxing entity, last equalized prior to the effective date of the ordinance adopted pursuant to Section 53395.23 to create the district, shall be allocated to, and when collected shall be paid to, the respective affected taxing entities as taxes by or for the affected taxing entities on all other property are paid.

(b) That portion of the levied taxes each year specified in the adopted infrastructure financing plan for the city or county and each affected taxing entity which has agreed to participate pursuant

to Section 53395.19 in excess of the amount specified in subdivision (a) shall be allocated to, and when collected shall be paid into a special fund of, the district for all lawful purposes of the district. Unless and until the total assessed valuation of the taxable property in a district exceeds the total assessed value of the taxable property in the district as shown by the last equalized assessment roll referred to in subdivision (a), all of the taxes levied and collected upon the taxable property in the district shall be paid to the respective affected taxing entities. When the district ceases to exist pursuant to the adopted infrastructure financing plan, all moneys thereafter received from taxes upon the taxable property in the district shall be paid to the respective affected taxing entities as taxes on all other property are paid.

SEC. 16. Section 66428 of the Government Code is amended to read:

66428. (a) Local ordinances may require a tentative map where a parcel map is required by this chapter. A parcel map shall be required for subdivisions as to which a final or parcel map is not otherwise required by this chapter, unless the preparation of the parcel map is waived by local ordinance as provided in this section. A parcel map shall not be required for either of the following:

(1) Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than 30 days' notice in writing).

(2) Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license.

(b) A local agency shall, by ordinance, provide a procedure for waiving the requirement for a parcel map, imposed by this division, including the requirements for a parcel map imposed by Section 66426. The procedure may include provisions for waiving the requirement for a tentative and final map for the construction of a condominium project on a single parcel. The ordinance shall require a finding by the legislative body or advisory agency, that

the proposed division of land complies with requirements established by this division or local ordinance enacted pursuant thereto as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this division or local ordinance enacted pursuant thereto. In any case, where the requirement for a parcel map is waived by local ordinance pursuant to this section, a tentative map may be required by local ordinance.

(c) If a local ordinance does not require a tentative map where a parcel map is required by this division, the subdivider shall have the option of submitting a tentative map, or if he or she desires to obtain the rights conferred by Chapter 4.5 (commencing with Section 66498.1), a vesting tentative map.

SEC. 17. Section 66442.5 of the Government Code is amended to read:

66442.5. The following statements shall appear on a final map:

Engineer's or Surveyor's statement:

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of (name of person authorizing map) on (date). I hereby state that all the monuments are of the character and occupy the positions indicated or that they will be set in those positions before (date), and that the monuments are, or will be, sufficient to enable the survey to be retraced, and that this final map substantially conforms to the conditionally approved tentative map.

(Signed) _____ (Date Signed) _____
L.S. or R.C.E. No. _____ (Seal)

Recorder's certificate or statement.

Filed this ____ day of ____, 20__, at ____ m. in Book ____ of ____, at page ____, at the request of _____.

Signed _____

County Recorder

SEC. 18. Section 66449 of the Government Code is amended to read:

66449. The following statements shall appear on a parcel map:
Engineer's or Surveyor's statement:

This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of (name of person authorizing map) on (date). I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.

(Signed) _____ (Date Signed) _____
L.S. or R.C.E. No. _____ (Seal)

Recorder's certificate or statement.

Filed this ____ day of ____, 20__, at ____ m. in Book ____ of ____, at page
____, at the request of _____.

Signed _____

County Recorder

SEC. 19. Section 9002 of the Health and Safety Code is amended to read:

9002. The definitions in Chapter 1 (commencing with Section 7000) of Part 1 of Division 7 apply to this part. Further, as used in this part, the following terms have the following meanings:

(a) "Active militia" means the active militia as defined by Section 120 of the Military and Veterans Code.

(b) "Armed services" means the armed services as defined by Section 18540 of the Government Code.

(c) "Board of trustees" means the legislative body of a district.

(d) "District" means a public cemetery district created pursuant to this part or any of its statutory predecessors.

(e) "Domestic partner" means two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring, and are qualified and registered with the Secretary of State as domestic partners in accordance with Division 2.5 of the Family Code.

(f) "Family member" means any spouse, by marriage or otherwise, domestic partner, child or stepchild, by natural birth or adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt,

uncle, first cousin, or any person denoted by the prefix “grand” or “great,” or the spouse of any of these persons.

(g) “Firefighter” means a firefighter as defined by Section 1797.182.

(h) “Interment right” means the right to use or control the use of a plot, niche, or other space, authorized by this part, for the interment of human remains.

(i) “Nonresident” means a person who does not reside within a district or does not pay property taxes on property located in a district.

(j) “Peace officer” means a peace officer as defined by Section 830 of the Penal Code.

(k) “Principal county” means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district.

(l) “Voter” means a voter as defined by Section 359 of the Elections Code.

SEC. 20. Section 9973 of the Public Resources Code is repealed.

SEC. 21. Section 9974 of the Public Resources Code is repealed.

SEC. 22. Section 9975 of the Public Resources Code is repealed.

SEC. 23. Section 9976 of the Public Resources Code is repealed.

SEC. 24. Section 9977 of the Public Resources Code is repealed.

SEC. 25. Section 9978 of the Public Resources Code is repealed.

SEC. 26. Section 32556 of the Public Resources Code is amended to read:

32556. (a) The board shall consist of 13 voting members and 7 nonvoting members.

(b) The 13 voting members of the board shall consist of the following:

(1) The Secretary of the Resources Agency, or his or her designee.

(2) The Director of Parks and Recreation, or his or her designee.

(3) The Director of Finance, or his or her designee.

(4) The Director of the Los Angeles County Department of Parks, or his or her designee.

(5) The member of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located, or his or her designee.

(6) Six members of the public appointed by the Governor who are residents of Los Angeles County and who represent the diversity of the community surrounding the Baldwin Hills area. Of those six members, four members shall be selected as follows:

(A) One member shall be a resident of Culver City selected from a list of three persons nominated by the city council.

(B) Three members shall be residents of the adjacent communities of Blair Hills, Ladera Heights, Baldwin Hills, Windsor Hills, Inglewood, View Park, or Baldwin Vista.

(7) A resident of Los Angeles County appointed by the Speaker of the Assembly, and a resident of Los Angeles County appointed by the Senate Committee on Rules.

(c) The seven nonvoting members shall consist of the following:

(1) The Secretary of the California Environmental Protection Agency, or his or her designee.

(2) The Executive Officer of the State Coastal Conservancy, or his or her designee.

(3) The Executive Officer of the State Lands Commission, or his or her designee.

(4) An appointee of the Governor with experience in developing contaminated sites, commonly referred to as “brownfields.”

(5) The Executive Director of the Santa Monica Mountains Conservancy, or his or her designee.

(6) The Director of the Culver City Human Services Department, or his or her designee.

(7) The Director of the Department of Conservation, or his or her designee.

(d) A quorum shall consist of seven voting members of the board, and any action of the board affecting any matter before the board shall be decided by a majority vote of the voting members present, a quorum being present. However, the affirmative vote of at least four of the voting members of the board shall be required for the transaction of any business of the board.

(e) The board shall do both of the following:

(1) Study the potential environmental and recreational uses of Ballona Creek and the adjacent property described in subdivision (a) of Section 32553.

(2) Develop a proposed map for that area.

SEC. 27. Section 36622 of the Streets and Highways Code is amended to read:

36622. The management district plan shall contain all of the following:

(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected lands and businesses included. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements and activities proposed for each year of operation

are the same, a description of the first year's proposed improvements and activities and a statement that the same improvements and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

(e) The total annual amount proposed to be expended for improvements, maintenance and operations, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof, including operation and maintenance.

(l) Any other item or matter required to be incorporated therein by the city council.

SEC. 28. Section 3.1 of the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951), as amended by Chapter 330 of the Statutes of 2012, is amended to read:

Sec. 3.1. (a) (1) One director shall be elected in accordance with this section by the voters of each electoral division.

(2) A candidate for the board of directors shall be a resident in the electoral division for which he or she is a candidate.

(3) A director shall continue to reside within the electoral division during his or her term of office, except that no change in boundaries of an electoral division shall affect the term of office of an incumbent director.

(b) Consistent with the requirements of Section 10404 of the Elections Code, the first elections for Division One, Division Three, and Division Five established pursuant to Section 3 shall be conducted at the November 4, 2014, general district election.

(c) Consistent with the requirements of Section 10404 of the Elections Code, the first elections for Division Two, Division Four, Division Six, and Division Seven established pursuant to Section 3 shall be conducted at the November 8, 2016, general district election.

(d) Except as otherwise provided by this act, the term of office for each director elected pursuant to subdivisions (b) and (c) shall be four years and the director shall hold office until his or her successor qualifies and takes office.

(e) Elections pursuant to this section shall be conducted in accordance with the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code).

(f) The candidate receiving the highest number of votes cast for the office of director for a specific division shall be declared elected.

SEC. 29. Section 23 of the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951) is amended to read:

Sec. 23. All vacancies occurring in the office of director shall be filled in accordance with Section 1780 of the Government Code. Before entering upon the duties of his or her office, each director shall take and subscribe the official oath and file it with the secretary. The oath of office may be taken before the secretary, any member of the board, or any officer authorized by law to administer oaths.

SEC. 30. Section 24 of the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951), as amended by Chapter 330 of the Statutes of 2012, is repealed.

SEC. 31. Section 29 of the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951) is amended to read:

Sec. 29. Whenever the board deems it necessary for the district to incur a bonded indebtedness, it shall by resolution so declare and state in that resolution the purpose for which the proposed debt is to be incurred, the amount thereof, and fix a time and place for a hearing by the board on the question as to whether the whole district or only a portion thereof will be benefited by the accomplishment of the purpose, and if only a portion thereof will be so benefited, what portion thereof will be so benefited. Notice of the hearing shall thereupon be given by the secretary by publication of a copy of the resolution in one newspaper of general circulation, printed and published in each county within which any portion of the district lies at least once a week for two weeks prior to the hearing. The copy of the resolution published shall be accompanied by a notice subscribed by the secretary to the effect that the hearing referred to in the resolution will be held at the time and place specified in the resolution and that any person interested, including all persons owning property in the district, will be heard upon the question stated in the resolution.

At the time and place fixed in the resolution for the hearing or at this time and place to which the hearing may be adjourned, the board may proceed with the hearing, and any person interested, including any and all persons owning property within the district, may appear and present any and all matters material to the question as he or she may desire. Upon the conclusion of the hearing, the board shall by resolution determine whether the whole of the district will be benefited by the accomplishment of the purpose stated; and if it determines that the whole of the district will not be so benefited by the accomplishment of the purpose, it shall state what portion of the district will be so benefited; and that portion of the district so described shall thereupon constitute and be known as Improvement District No. ____ of Kings River Conservation District; and the proceedings thereafter, for the purpose of the bond election within the improvement district and for the purpose of taxation for the payment of the bonds and interest, shall be limited

and apply only to the improvement district. The determination of the board on this question shall be final and conclusive.

If the board by the resolution determines that only a portion of the district will be benefited and creates an improvement district as hereinabove provided, it shall adjourn the hearing for not less than 40 nor more than 70 days. Within 10 days after the order of adjournment, the secretary shall publish once in one newspaper of general circulation, printed and published in each county within which any portion of the improvement district lies, a notice stating the time and place fixed for the adjourned hearing, and that at or prior to the hearing any person owning land in said improvement district may file written protest to the incurring of the proposed bonded indebtedness by the improvement district, and at the time and place fixed any person interested may appear and be heard on the question of whether the bonded indebtedness should be incurred by the improvement district. If at or prior to the adjourned hearing written objections to the incurring of the proposed bonded indebtedness by the improvement district, signed by the owners of the majority of the acreage of land within the improvement district are filed with the secretary, then the board, by resolution adopted at the hearing, shall abandon proceedings for the proposed bond issue. The last equalized assessment roll of each county containing land within the improvement district is prima facie evidence of ownership of land in that county. If the proceedings are not abandoned as hereinabove provided, the board, if it deems it necessary to incur the bonded indebtedness, shall by a resolution so declare and state the purpose for which the proposed debt is to be incurred, whether or not the whole of the district is to be benefited thereby or only a portion thereof, and if only a portion thereof a description of the portion sufficient for identification and the designation thereof, all in accordance with the determination of the board as expressed in its previous resolution, the amount of the debt to be incurred, the maximum term the bonds to be issued shall run before maturity, which shall not exceed 40 years, and the amount or rate of interest to be paid, which shall not exceed 5 percent, payable annually or semiannually, and the proposition to be submitted to the voters of the district or of the improvement district, as the case may be.

The board shall fix a date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be

incurred, and shall provide for the holding of the special election on the date so fixed. The special election may be held concurrently with a general district election. The special election shall be called and held in accordance with Chapter 4 (commencing with Section 21925) of Part 4 of Division 11 of the Water Code insofar as the same may be applicable. The returns of the election shall be made to and the votes canvassed by the board on the first Tuesday which is six or more days after the election, and the results of the election shall be ascertained and declared in accordance with Chapter 4 (commencing with Section 21925) of Part 4 of Division 11 of the Water Code. As soon as the result is declared, the secretary shall enter in the records of the board his or her statement of the result. Any irregularity or informality in the conduct of the election shall not invalidate the election if fairly conducted.

If it appears from the returns that more than two-thirds of the votes cast at the election were in favor of incurring the indebtedness, the board may, by resolution at such time or times as it deems proper, provide for the form and execution of the bonds and for the issuance of any part thereof and may sell or dispose of the bonds so issued at that time and manner as the board deems to be to the public interest.

Approved _____, 2013

Governor